

From: Al T
To: Microsoft ATR
Date: 1/25/02 10:00am
Subject: I am against the proposed settlement

Many Microsoft critics have said this trial was only a waste of tax payer's money. If the proposed settlement path is taken, it will be a waste of money.

In my limited understanding of law, I see a company which has been accused of a terrible crime. Also, this type of crime is not committed accidentally. The Antitrust Laws are written in such a way that they cannot be broken by everyday business practices.

Allow me to make a parallel with another terrible crime, murder. In the law, there are many ways to consider the killing of an innocent person: from first degree murder (pre-meditated, cold-blooded) to involuntary manslaughter (something unexpectedly lead to the death of another). Punishment is very different for these two crimes. For the first, some states allow the death penalty. For the latter, people may not even go to jail, if it can be proved that the death was 100% accidental.

Microsoft did not commit "involuntary monopoly maintenance." The breaking of antitrust law was premeditated and done with all intentions to kill competition and monopolize other markets. The same goes for all other things Microsoft has already been found guilty of. But, in this proposed settlement, it seems Microsoft will "voluntarily impose" guidelines on itself to change its behavior. If this were a trial of a person accused of first degree murder, would you let him or her go free if they promised not to carry a gun anymore? If this was child molester, would you let him / her go free if they promised not to visit school playgrounds?

If the answer is "no," then why is the DOJ allowing Microsoft to walk out of the courtroom with a slap on the wrist, and a simple promise to behave in the future? What about punishing them for what they have already done? I can see this settlement might take care of future problems, but what about punishing the guilty for their crimes? What punishment is Microsoft going to receive for breaking the law?

If the DOJ accepts this settlement, it will fail to provide justice: it will let the first degree murderer of free trade go unpunished, in hope s/he will behave in the future. That is not justice. Justice requires the guilty to pay back the victims or society for their crimes. Microsoft is not paying back anything for their crimes.

If this settlement is accepted, it will be a dark day in America and in American Justice. I'm glad I live in a state where justice will still be sought if this dark day should come upon this great nation.

Alberto Treviño
Orem, Utah

@